

# EXHIBIT MM

PLAINTIFFS AMENDED CHARGE TO INCLUDE EQUAL PAY  
AND OPPOSING SEXUAL HARASSMENT AND SEXUAL

HARASSMENT

DECEMBER 15, 2010

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

490-2010-01662

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**SPECIFICS OF THE AMENDED CHARGE:**

On May 10, 2010, I informed my Lead, Cynthia Harris that I was going to a doctor's appointment ~~that day for my neck, back and hypertension~~. The next day I was called into the office by my supervisor Jeff Shaw and discharged. The reason given for my discharge was that my probation period was up and that they did not need my services anymore. ~~Additionally, I was denied my worker's compensation claim after the Respondent received copies of my medical records, which contained genetic information.~~ Also, I was denied a reasonable accommodation when I asked for and was denied a break in order to call someone to bring me my medication for my disability; instead I was made to clock out and go home. Additionally, I was subjected to sexual harassment by my former supervisor Jeff Shaw. Shaw recently called my cell phone and stated sexually explicit information that I found offensive.

I believe that I have been discriminated against and discharged because of disclosed genetic information, denied an reasonable accommodation because of my disability, and subjected to sexual harassment because of my sex, in violation of the Genetic Information Non-discrimination Act (GINA), the American with Disabilities Act, as amended (ADAAA) and Title VII of the Civil Rights Act of 1964, as amended.

*I was sent home from work on \_\_\_\_\_ after explaining my*

*Last I was subjected to sexual harassment, denied a Reasonable accommodation, and denied worker's compensation benefits, in violation of T7, GINA & ADA.*  
*and discharged*

- ① *My supervisor ~~Shaw~~ made <sup>sexually</sup> explicit phone calls to me on \_\_\_\_\_ +*  
*On 5-25-2010, I was denied worker's com ~~the~~ benefits*  
 ② *I request 4-26-10 ~~an accommodation for my medical problem on 4-26-10 but was~~*

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

*denied,*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (month, day, year)

Date

Charging Party Signature

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490-2010-01662

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Rodney V. Johnson**

Home Phone (Incl. Area Code)

**(901) 251-0190**

Date of Birth

**.966**

Street Address

City, State and ZIP Code

**1176 Elder Road, Memphis, TN 38109**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**KUEHNE NAGEL**

No. Employees, Members

**15 - 100**

Phone No. (Include Area Code)

**(662) 449-8000**

Street Address

City, State and ZIP Code

**4080 Executive Dr #200, Southaven, MS 38672**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☒ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☒ AGE☒ DISABILITY☒ GENETIC INFORMATION☒ OTHER (Specify)**Equal Pay**

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02-08-2010****05-28-2010**☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

**AMENDED CHARGE****Original Charge filed on May 13, 2010**

I was hired with the company on February 8, 2010, as a Forklift Driver. I was terminated on May 11, 2010.

The reason I was given for my termination was work performance. I disagree with this reason, I think it is because I made a complaint of disparate treatment. Specifically, in March 2010, I complained to the HR Manager Jeff Werner, (White/Male), about Jeff Shaw, Manager, (Light Skin-Black/Male) and the disparate treatment and discrimination based on my color (Dark Skin), race (Black), sex (Male), age (43) and disability. In April 2010, I was denied promotional training, however it was granted for Chris \_\_\_\_ (White/Male-33) and he also received a higher pay than me for same position. Some examples of disparate treatment: in February 2010, James Craig, Supervisor, (White/Male) called Terry Givens, Forklift Operator (Black/Male) a "nigger" and in April 2010, Louis (Light Skin-Black/Male) was accused of sexual harassment/inappropriate touching. In both cases they were treated better than me because they were not disciplined or discharged. Additionally, I have complained about the unfairness in the timeliness in my back pay because other employees males, females received their back pay before I did (Robbie Townsend (Black/Female), Robert Sletcher, Dark Skin-Black/Male).

I believe that I was discriminated against and discharged because of my race (Black), age (43) and in retaliation for complaining about protected activities in violation of Title VII of the Civil Rights Act of 1964, as amended and of the Age Discrimination in Employment Act of 1967(ADEA), as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read this charge and believe it is true to the best of my knowledge, information and belief.

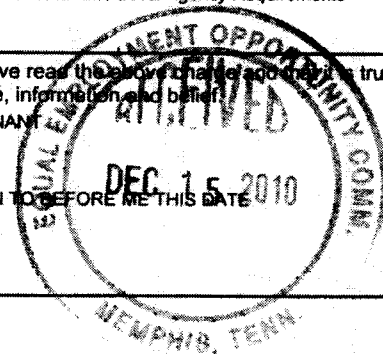
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

12-11-2010 *Rodney V. Johnson*



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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**SPECIFICS OF THE AMENDED CHARGE:**

On or about April 16, 2010, I requested a reasonable accommodation for my medical problem and was denied. On May 25, 2010, I was denied worker's compensation benefits. On October 26 and October 28, 2010, my supervisor made sexually explicit phone calls to me.

I was denied a reasonable accommodation, denied worker's compensation benefits and subjected to sexual harassment in violation of the Americans with Disabilities Act, as amended, Genetic Information Non-Discrimination Act (GINA) and Title VII of the Civil Rights Act of 1964, as amended.

**ADDENDUM:**

I believe that I was discriminated, retaliated against and terminated for complaining of equal pay in addition to engaging in protected activities.

I believe that I was terminated for a previously filed EEOC charge against K and N for opposing sexual harassment.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO before me this DATE  
(month, day, year)

Date

Charging Party Signature

